

A Resolution by Public Safety and Legal Administration Committee

05-ℓ -0878

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT WITH CLAYTON COUNTY TO ESTABLISH THE STANDARD OPERATING PROCEDURES BETWEEN THE CITY OF ATLANTA AND CLAYTON TO GUIDE THE PROCESS OF TRANSFERRING APPROPRIATE TRAFFIC OFFENSE CASES FROM THE MUNICIPAL COURT TO CLAYTON COUNTY; AND FOR OTHER PURPOSES.

WHEREAS, the Georgia General Assembly during its 2004 Legislative Session adopted Ga. L. 2004, p. 885 ("SB 497"), which abolished the City Court (Traffic Court) as of January 1, 2005 by repeal of Ga. L. 1996, 627 (the "Act") and expanded the jurisdiction of the Municipal Court to handle traffic offenses; and

WHEREAS, SB 497 became effective on January 1, 2005; but, by its terms, is applicable only with an executed intergovernmental agreement (the "Agreement") between all affected jurisdictions;

WHEREAS, all traffic cases, with the exception of jury trials, are currently adjudicated by the Municipal Court; and

WHEREAS, all traffic cases where a jury trial has been demanded must be adjudicated by the City Court; and

WHEREAS, cases pending in the City Court as of the effective date of its repeal can be transferred to the Municipal Court; and

WHEREAS, defendants standing trial for traffic offenses are by state law entitled to demand for jury trials, and the Municipal Court is not empowered to conduct jury trials and may wish to transfer such cases to the appropriate court in Clayton; and

WHEREAS, it is necessary for the City and Clayton to enter into an Agreement to guide the process of transferring cases from the Municipal Court to Clayton,

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA:

<u>SECTION 1</u>: That the Mayor be and is hereby authorized to execute an Intergovernmental Agreement to establish the standard operating procedures to guide the transfer of appropriate traffic cases to Clayton County.

SECITON 2: That the City Attorney is hereby directed to prepare appropriate Intergovernmental Agreement for execution.

A true copy, Thomsa Dauphin Johnson Municipal Clerk, CMC ADOPTED by the Council
APPROVED by the Mayor

May 16, 2005 May 19, 2005

INTERGOVERNMENTAL AGREEMENT ("AGREEMENT")

THIS AGREEMENT is made this 1 day of 1, 2005 by and between the CITY OF ATLANTA, a political subdivision of the State of Georgia ("City") and CLAYTON COUNTY, a political subdivision of the State of Georgia ("Clayton") (collectively, the "Parties").

WITNESSETH:

WHEREAS, the Georgia General Assembly during its 2004 Legislative Session adopted Ga. L. 2004, p. 885 ("SB 497"), which abolished the City Court (Traffic Court) as of January 1, 2005 by repeal of Ga. L. 1996, 627 (the "Act") and expanded the jurisdiction of the Municipal Court to handle traffic offenses; and

WHEREAS, SB 497 became effective on January 1, 2005; but, by its terms, is applicable only with an executed intergovernmental agreement (the "Agreement") between all affected jurisdictions;

WHEREAS, all traffic cases, with the exception of jury trials, are currently adjudicated by the Municipal Court; and

WHEREAS, all traffic cases where a jury trial has been demanded must be adjudicated by the City Court; and

WHEREAS, defendants standing trial for traffic offenses are by state law entitled to demand a jury trial, and the Municipal Court is not empowered to conduct jury trials and would have to transfer such cases to the appropriate court in Clayton; and

WHEREAS, it is necessary for the City and Clayton to enter into an Agreement in order to make applicable SB 497, and where such an Agreement shall serve to guide the process of transferring cases from the Municipal Court to Clayton,

NOW, THEREFORE, in consideration of the mutual promises, covenants, and obligations herein set forth, the Parties mutually agree as follows:

- TRANSFER OF CASES; STANDARD OPERATING PROCEDURES. The City agrees to continue to abide by the Standard Operating Procedures for transfer of cases from the Municipal Court to Clayton.
- PROCESSING OF MISDEMEANOR CASES. The City agrees to accept and to process those misdemeanor cases where the defendant is arrested by the Atlanta Police Department in that part of the corporate limits of the City of Atlanta that exists within the corporate limits of Clayton County, except where those misdemeanors contain non-City of Atlanta Ordinance offenses. In such cases, defendants will be expeditiously transferred to the appropriate Clayton authorities for processing and bind-over.

EVALUATION. The City and Clayton shall meet not later than December 31, 2006 to

resolve any post-transition issues that may have developed as a result of the transition contemplated under this Agreement.

TERM. This Agreement shall remain in effect until such time as the Service Delivery Strategy (the "SDS") between the City and Clayton must be renegotiated, as required under the terms of the Service Delivery Strategy Act (O.C.G.A. 36-70-1 et seq.) and the terms and conditions of the SDS are incorporated herein by reference.

IN WITNESS WHEREOF, the Parties have set their hands and seals by their duly authorized officials effective the day and year above written.

CITY OF ATLANTA, a political subdivision

Municipal Clerk (Seal)

of the State of Georgia

SHIRLEY FRANKLIN, MAYOR

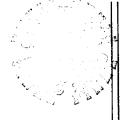
City Attorney

CLAYTON COUNTY, a political subdivision

of the State of Georgia

ELDRIN BELL, CHAIRMAN **BOARD OF COMMISSIONERS**

APPROVED AS TO FORM:



STATE OF GEORGIA COUNTY OF CLAYTON

RESOLUTION NO. 2005 - 45

A RESOLUTION BY THE BOARD OF COMMISSIONERS AUTHORIZING ON BEHALF OF CLAYTON COUNTY THE EXECUTION, DELIVERY AND PERFORMANCE OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF ATLANTA AND CLAYTON COUNTY, GEORGIA, PROVIDING FOR THE TERMS AND CONDITIONS UNDER WHICH THE CITY OF ATLANTA WILL TRANSFER AND PROCESS TRAFFIC CASES FROM MUNICIPAL COURT TO CLAYTON COUNTY; TO AUTHORIZE THE CHAIRMAN TO EXECUTE THE INTERGOVERNMENTAL AGREEMENT AND OTHERWISE TO PERFORM ALL OTHER ACTS NECESSARY TO ACCOMPLISH THE INTENT OF THE RESOLUTION; TO AUTHORIZE THE FINANCE DIRECTOR TO AMEND THE BUDGET WHERE NECESSARY TO REFLECT AN APPROPRIATE REVENUE SOURCE AND EXPENSE, AND TO TRANSFER ANY REQUIRED MATCH OF LOCAL FUNDS, ALL AS MAY BE REQUIRED UNDER THE TERMS OF THE INTERGOVERNMENTAL AGREEMENT; TO PROVIDE AN EFFECTIVE DATE OF THIS RESOLUTION; AND FOR OTHER PURPOSES.

WHEREAS, the Georgia General Assembly during its 2004 Legislative Session adopted Ga. L. 2004 p. 885 ("SB 497"), which abolished the Court (Traffic Court) as of January 1, 2005 by repeal of Ga. L. 1996, 627 (the "Act") and expanded the jurisdiction of the Municipal Court to handle traffic offenses; and

WHEREAS, SB 497 became effective on January 1, 2005; but, by its terms, is applicable only with an executed Intergovernmental Agreement (the "Agreement") between all affected jurisdictions; and

WHEREAS, all traffic cases, with the exception of jury trials, are currently adjudicated by the Municipal Court; and

WHEREAS, defendants standing trial for traffic offenses are by state law entitled to demand a jury trial, and the Municipal Court is not empowered to conduct jury trials and would have to transfer such cases to the appropriate court in Clayton County; and

WHEREAS, it is necessary for the City and Clayton County to enter into an Intergovernmental Agreement in order to make applicable SB 497, and where such an Intergovernmental Agreement shall serve to guide the process of transferring cases from the Municipal Court to Clayton, County; and

WHEREAS, the Board of Commissioners deems it in the best interest of Clayton County, and the County will best be served by authorizing, approving and entering into the Intergovernmental Agreement with the City of Atlanta to provide for the services contemplated therein.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF CLAYTON COUNTY, GEORGIA AND IT IS HEREBY RESOLVED

Section 1. The Board of Commissioners hereby approves and authorizes on behalf of Clayton County the execution, delivery and performance of an Intergovernmental Agreement between the City of Atlanta, and Clayton County, Georgia providing for the terms and conditions under which the City of Atlanta will transfer and process traffic cases from Municipal Court to Clayton County. The Board of Commissioners hereby authorizes the Chairman to execute the Intergovernmental Agreement and to perform all other acts necessary to accomplish the intent of this Resolution. Further, the Board of Commissioners hereby authorizes the Director of Finance to amend the budget where necessary to reflect an appropriate revenue source and expense, and to transfer any required match of local funds, all as may be required under the terms of the Intergovernmental Agreement. The Intergovernmental Agreement shall be in substantially the form attached hereto, subject to such minor changes, insertions or deletions as the Chairman of the Board of Commissioners may approve.

Section 2. This Resolution shall be effective on the date of its approval by the Board of Commissioners.

SO RESOLVED, this the 19th day of April, 2005.

CLAYTON COUNTY BOARD OF COMMISSIONERS

VIRGINIA BURTON GRAY, VICE-CHAIRMA

CARL RHODENIZER, COMMISSIONER

J. Charley Triswell (3H) VCHARDEY GRISWELL, COMMISSIONER

WOLE RALPH, COMMISSIONER

ATTEST:

HAYWOOD, ASSISTANT CLERK

Atlanta City Council

Regular Session

CONSENT I 05-R-0878 CONSENT I PG(S) 3-15

ADOPT

YEAS: 13 NAYS: 0

ABSTENTIONS: 0

NOT VOTING:

EXCUSED: 0

ABSENT 1

Y Smith Y Starnes [#]NV Young Yr Y Winslow Y Archibong Y Moore B Fauver Y Martin Y Shook Y Muller

Y Maddox

Y Mitchell Y Norwood Y Willis

Y Sheperd NV Borders

| A CONTRACTOR OF THE CONTRACTOR | | 05-16-05 Council Meeting |
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| ITEMS ADOPTED | ITEMS ADOPTED | ITEMS ADVERSED |
| ON CONSENT | ON CONSENT | ON CONSENT |
| 1. 05-O-0655 | 31. 05-R-0839 | 50. 04-R-1789 |
| 2. 05-O-0656 | 32. 05-R-0677 | 51. 05-R-0793 |
| 3. 05-O-0657 | 33. 05-R-0832 | 52. 05-R-0795 |
| 4. 05-O-0658 | 34. 05-R-0833 | 53. 05-R-0799 |
| 5. 05-O-0659 | 35. 05-R-0836 | 54. 05-R-0800 |
| 6. 05-O-0762 | 36. 05-R-0837 | 55. 05-R-0801 |
| 7. 05-O-0778 | 37. 05-R-0878 | 56. 05-R-0802 |
| 8. 05-O-0781 | 38. 05-R-0818 | 57. 05-R-0805 |
| 9. 05-O-0871 | 39. 05-R-0820 | 58. 05-R-0806 |
| 10. 05-O-0874 | 40. 05-R-0826 | 59. 05-R-0807 |
| 11. 05-O-0669 | 41. 05-R-0835 | 60. 05-R-0810 |
| 12. 05-O-0684 | 42. 05-R-0785 | 61. 05-R-0812 |
| 13. 05-O-0685 | 43. 05-R-0786 | 62. 05-R-0814 |
| 14. 05-O-0850 | 44. 05-R-0787 | |
| 15. 05-O-0702 | 45. 05-R-0788 | |
| 16. 05-O-0703 | 46. 05-R-0789 | |
| 17. 05-O-0704 | 47. 05-R-0790 | |
| 18. 05-O-0845 | 48. 05-R-0791 | |
| 19. 05-R-0822 | 49. 05-R-0792 | |
| 20. 05-R-0823 | | |
| 21. 05-R-0824 | | |
| 22. 05-R-0827 | | |
| 23. 05-R-0828 | | |
| 24. 05-R-0834 | | |
| 25. 05-R-0881 | | |
| 26. 05-R-0821 | | |
| 27. 05-R-0872 | | |
| 28. 05-R-0830 | | |
| 29. 05-R-0875 | | |
| 30. 05-R-0838 | | |
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| | Action Fav, Adv, Hold (see rev. side) | Fav. Adv. Hold (see rev. side) | AGREEMENT WITH CLAYTON COUNTY TO ESTABLISH THE STANDARD OPERATING |
| | Chair | (Charles Line | A RESOLUTION AUTHORIZING THE |
| CERTIFIED | Date | Stolos Date | PUBLIC SAFETY AND LEGAL AFFAIRS COMMITTEE |
| ☑ Consent ☐ V Vote ☑ AC Vote | Committee | TSLA Committee | A RESOLUTION BY |
| Readings | | Referred To | (Do Nation Above Charles) |
| FINAL COUNCIL ACTION 2 2nd 3rd 3rd | | nittee | 525. /}. 0878 |
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